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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,097	02/08/2002	Graham Haley	CISCO-5183	9463
28661	7590	07/03/2006	EXAMINER	
SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			BURGESS, BARBARA N	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,097

Applicant(s)

HALEY ET AL.

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Request for Continuation Examination (RCE) filed May 2, 2006. Claims 1-44 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable by Gutknecht et al. (hereinafter "Gut", US Patent 6,807,184 B2) in view of Saito et al. (hereinafter "Saito", US Patent 5,732,071).

As per claims 1, 12, 23, 34, Gut discloses in a local area network (LAN") system comprising at least one client, a method performed by a client to receive MAC address, processor and memory, and program instructions, wherein said client-side method, processor and memory, and program instructions comprises:

- Selecting by said client a MAC address available for said network (column 5, lines 15-25);
- Monitoring by said client broadcasts over said network for each MAC address advertisement frame transmitted over said network responsive to selecting said MAC address (column 5, lines 30-35);

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- Determining whether each said advertisement frame monitored by said client is an advertisement frame for said selected MAC address (column 6, lines 26-35);
- Broadcasting a MAC address request frame by said client wherein said MAC address request is requesting by said selected MAC address, responsive to a determination that each said MAC advertisement frame monitored is not an advertisement frame for said selected MAC address (column 6, lines 13-20);
- Determining whether a MAC address response frame was received by said client responsive to broadcasting said MAC address advertisement frame (column 6, lines 33-45).

Tuck does not explicitly disclose:

- Broadcasting a MAC address advertisement frame from said client wherein said MAC address advertisement frame is for said selected address indicating said client is using said selected address if no MAC address response frame was received.

However, in an analogous art, Saito discloses sending a multicast frame identifying the MAC address of itself as the source for registering the MAC address (column 6, lines 10-30, column 8, lines 17-35).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Saito's broadcasting a MAC address advertisement frame for selected address indicating the client is using selected address in Gut's method in order that each host no which MAC addresses are available.

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As per claims 2, 13, 25, 35, Gut discloses the method, processor and memory, and program instructions of Claims 1, 14, 24, 34, wherein said client-side method further comprises:

- Receiving a MAC advertisement frame by said client (column 5, lines 38-45);
- Determining whether said MAC address advertisement frame for selected address was received by said client (column 5, lines 15-20);
- Sending a duplicate MAC address frame from said client, responsive to a determination that said MAC address advertisement frame is for said selected MAC address (column 4, lines 45-55);
- Returning to the act of broadcasting MAC address advertisement frames for said selected address from said client (column 6, lines 25-34).

As per claims 3, 14, 25, 36, Gut discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said client-side method further comprises:

- Receiving a MAC address response frame from a server by said client (column 4, lines 45-55);
- Determining whether said confirms the availability of said selected MAC address for said client if a MAC address response frame being received (column 4, lines 58-67);
- Employing said MAC address for said client (column 5, lines 20-30);
- Proceeding to said act of broadcasting said MAC address advertisement frame for said selected address from said client (column 5, lines 40-50).

As per claims 4, 15, 26, 37, Gut disclose the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said method further comprises rejecting said selected MAC address by said client if a duplicate MAC address frame was received (column 6, lines 28-35).

As per claims 5, 16, 27, 38, Gut discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said method further comprises discloses indicating a warning message by said client if no server confirms the availability of said selected MAC address (column 6, lines 1-5).

As per claims 6, 17, 28, 39, Gut discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said method further comprises indicating a warning message by said client if a duplicate MAC address frame is received (column 6, lines 3-13).

As per claims 7, 18, 29, 40, Gut discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said method further comprises: returning to the act of selecting a MAC address by said client if no server confirms the availability of the selected MAC address (column 6, lines 35-45).

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As per claims 8, 19, 30, 41, Gut discloses the method, processor and memory, and program instructions of Claims 2, 13, 25, 35, wherein said method further comprises: returning to the act of selecting a MAC address by said client if a duplicate MAC address frame was received for the selected MAC address (column 6, lines 25-30).

As per claims 9, 20, 31, 42, Gut discloses at least one server, a method for automatically assigning a MAC address to said at In a local area network (LAN) system comprising a client, processor and memory, and program instructions and least one client, processor and memory, and program instructions comprising:

- Receiving a MAC address request frame by said server from said client requesting a selected MAC address (column 5, lines 15-25);
- Determining whether said selected MAC address is available (column 6, lines 35-45);
- Sending an MAC address response from said server to said client indicating that selected MAC address requested is available if the said selected MAC address is available (column 6, lines 25-30).

As per claims 10, 21, 32, 43, Gut discloses the method, processor and memory, and program instructions of Claims 9, 20, 31, 42, wherein said method further comprises:

- Developing an in-use MAC address database maintained by said server ();
- Receiving a MAC address advertisement frame by said server from said client for said selected MAC address (column 4, lines 58-67);

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- Comparing said selected MAC address from said MAC address advertisement frame to addresses in said in-use MAC database of said server to determine whether said selected MAC address is in use by another client (column 4, lines 45-55);
- Sending an MAC address response indicating that the MAC address requested is available if the requested MAC address is available (column 6, lines 25-30).

As per claims 11, 22, 33, 44, Gut discloses the method, processor and memory, and program instructions of claims 10, 21, 32, 43, wherein said method further comprises sending an MAC address response indicating that said requested MAC address is not available by said server (column 4, lines 25-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

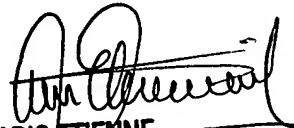
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

June 26, 2006


ARIELLE
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2100